

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Michael Smith

Docket No. 4:95-CR-57-4

Petition for Action on Supervised Release

COMES NOW Dwayne K. Benfield, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Smith, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute in Excess of 50 Grams of Cocaine Base, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on March 18, 1996, to the custody of the Bureau of Prisons for a term of 90 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.

Michael Smith was released from custody on December 1, 2001, at which time the term of supervised release commenced. On March 29, 2005, the supervised release term was revoked and the defendant was sentenced to the custody of the Bureau of Prisons for a term of 24 months. Furthermore, it was ordered that upon release from custody the defendant be placed on supervised release for a term of 36 months under the standard conditions of release.

Smith was released from custody on October 2, 2006, at which time the term of supervision began.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

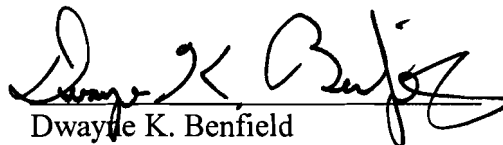
Following a careful review of this case, we believe Michael Smith is an appropriate candidate for participation in the Drug Aftercare Program and the DROPS Program; therefore, we are recommending a modification to include these additional conditions.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
Except as herein modified, the judgment shall remain in full force and effect.

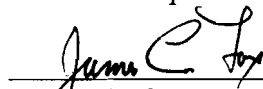
I declare under penalty of perjury that the foregoing is true and correct.



Dwayne K. Benfield
Senior U.S. Probation Officer
201 Evans Street, Room 214
Greenville, NC 27858-1137
Phone: (252) 758-7200
Executed On: October 18, 2006

ORDER OF COURT

Considered and ordered this 23rd day of October, 2006, and ordered filed and made a part of the records in the above case.



James C. Fox
Senior U.S. District Judge